

Michigan Feed Law
Act 120, Public Acts of 1975, as amended
Summary of Changes in PA 83

Definitions (Section 3)

- New Definitions
AAFCO Official Publication, animal, animal feed, cease order, commission, contract feeder, embargo order, food additive, fund, guarantor, integrated operator, license, licensee, local unit of government, noncommercial feed, pet food, quantity statement, rule, seizure order, specialty pet.
- Revisions / Clarifications
brand, commercial feed, customer-formula feed, director, distribute, distributor, drug, labeling, manufacturer, person, product name
“bulk feed” to “bulk” or “in bulk”; “Retail manufacturer” and “wholesale manufacturer” to “manufacture”
“sample” to “official sample”

Licensing (Section 4)

- Feed license required for: 1) all commercial feed manufacturers located in state; 2) all commercial feed distributors (in and out of state) distributing into MI; 3) feed label guarantor of feed within MI.
 - Retail only of licensed manufacturer, distributor, guarantor products exempt.
 - On-farm mixer-feed is exempt.
 - Integrated operator not distributing commercially is exempt.
- License year now July 1 – June 30 (was calendar year). License is not transferrable.
- License fee \$100 (was \$25) per facility; facilities with only 5 lbs or less packages = \$25.
- \$50 late fee added.
- MDARD has 90 days to issue license; 60 days to notify applicant if application incomplete.
- Provisions for conditional license.
- Bad actor language added.
- Resident agent requirement or out of state firm will pay all costs incurred in the event of an audit.
- Language to allow 2015 calendar year license to continue to new July 2016 renewal period.

Labeling (Section 5)

- Quantity statement replaces the net weight for each container of commercial feed.
- American association of official analytical chemists changed to AOAC International.
- All feed lots must be identified with an alpha/numeric code or translated to such.
- Maintain identity and traceability of bulk commercial feed held for manufacturing, sale or distribution at all times.
- Custom formula feed label changes:
 - With each delivery, the manufacturer/distributor is required to provide: 1) name of the feed, 2) manufacturer's name and address, 3) purchaser's name and address, 4) date of delivery and 5) quantity statement. If medicated, adequate directions for use and any precautions are still required.
 - A complete label must follow the shipment and be sent to the purchaser either by mail, electronic mail or by facsimile to include, in addition to the bullet above, the quantity and name of each ingredient, directions for use required by rule and medicated feeds, and any precautionary statements required by rule.

Tonnage Reporting and Inspection Fees (Section 6)

- Inspection fee \$0.30/ton, by-products with moisture 60% or greater \$0.15/ton (was \$0.13/ton)
 - minimum payment of \$50
- Reporting annually July 1 – June 30, with reports due July 31. Previously reports were semi-annual.
- Change in late fee to \$50 or 10% of amount due, whichever is greater, regardless of the amount. Previously, this was \$10 or 10% of the amount due, whichever is greater.
- Change in payments due or payments owed of less than \$5 are waived/not refunded. Previously, this was \$1.00.
- Records must be kept by licensee for at least 2 years.

Inspections (Section 7)

- Inspect, review records and sample commercial and noncommercial feeds at reasonable times within reasonable limits in a reasonable manner.

- On farm feed inspections/sampling shall be based on cause and with permission.
- Director may maintain a laboratory to analyze animal feeds to provide flexibility to MDARD's analytical resources, if needed in the future (was shall).
- Sampling in accordance with AOAC International methods or other generally recognized methods.
- Request for sample portion changed from 30 days to 60 days after receipt of sample analysis report.

Adulteration (Section 8)

- Updates references to Federal Regulations (medicated feed).
- Adds reference to federal prohibited mammalian protein (BSE) rules.
- Removes pbb limits, falls under general adulteration definition.
- Ability to determine limits on restricted noxious weed seeds by rule.

Recalls (Section 10)

- Recall notification may be oral if followed by written notice to MDARD.

Cooperative Agreements and Reports (Section 12)

- License revocation language moved to section 4.
- MDARD may publish gross feed tonnage distribution or sample analysis results reports.

Good Manufacturing Practices (Section 13)

- Adopts AAFCO Model Good Manufacturing Practice Regulations for feed sanitation inspections. Previously this authority was in Regulation 553, Food Establishments.
- Adopts FDA's regulations for medicated feed GMPs and veterinary feed directives.

Violations (Section 14)

- Consolidates a majority of existing statute violations to this section.
- MDARD may approve foods not fit for human consumption to be refurbished when safe for animal feed.
- Limitations on reusing containers after leaving manufacturer's control.
- No reuse of containers that have come in direct contact with animals.

Administrative Actions (Section 15 - new)

- Includes details that determine a cease order, seizure order and embargo.
- No recovery for damages resulting from seizure if court finds there was probable cause for the action.

Administrative Fines, Civil and Criminal Penalties (Section 16 - new)

- Creates a structure for administrative hearings and fines.
- Lists the minimum fines or penalties for persons convicted of violating the act.
- Includes warnings, restitution and civil and criminal penalties.

Feed Control Fund (Section 17 – new)

- Creates a Feed Control Fund within the State Treasury (fund is similar to the Fertilizer Control Fund in 1994 PA 451, Part 85)
 - All fees, administrative or civil fines, and payments for the cost of investigations are deposited into this Fund for feed administration, enforcement, training programs, outreach and education.
 - At the close of the fiscal year, money in the Fund would remain and not lapse into the General Fund.

Preemption (Section 18 – new)

- Preempts local ordinances, regulations, resolutions that would duplicate this act.
- Local until of government may adopt different standards if adverse environmental or public health effects would exist. Agriculture Commission review.

Export & Certificates of Free Sale (Section 19 – new)

- Allows MDARD to issue export certificates to facilitate continued access to feed markets

Rules 15, 16, & 17 will be deleted in Regulation 635, Commercial Feed and incorporated into the Feed Law.

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